IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 23243 of 2003

Between:

St.Joseph's Hospital, represented by its Administrator- Sr.Claire,

D/o Joseph Munduveli, Aged 39 years, R/o Visakhapatnam.

..... PETITIONER

AND

1. The Visakhapatatnam Municipal Corporation, represnted by its Commissioner, Visakhapatnam, Visakhapatnam District.

2. The Govt., of A.P., represented by its Secretary, Medical & Health, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the Notices of Demand for Property Tax by calculating on commercial basis including the latest demand notice dt. 09-11-2002 issued to the Door No.14-38-1, Ward No.19, under Assessment No.27999/279 is illegal, arbitrary, erroneous highhanded and violative of the provisions of the Hyderabad Municipal Corporation Act and the instructions issued by the Government of A.P., from time to time and consequently direct the 1st respondent not to insist the writ petitioner for payment of the Property Tax in

pursuance of Demand raised by them in Notice dt.09-11-2002 or by any further notices of demand for property tax for the Door No.14-38-1, Ward No.19, under Assessment No.27999/279.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for Respondent No.1: Mr. T.S. Venkata Ramana, S.C. for Municipality.

Counsel for Respondent No.2: GP for Medical Health & Family Welfare.

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice Bilal Nazki)

After hearing the learned Counsel for the parties, we find that the order, which is challenged in this writ petition, is appealable. Since the petitioner has an efficacious alternative remedy available, and since intricate factual questions are also involved, therefore, we do not consider it to be a fit case where this Court should intervene to decide those issues. Hence, the writ petition is dismissed. No costs.

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(BILAL NAZKI, J)

Date: 16-08-2004

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(S.ANANDA REDDY, J)

GHN/AJR

To

1. The Commissioner, The Visakhapatatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District.

2. The Secretary, The Govt., of A.P., Medical & Health, Secretariat Buildings, Hyderabad.

3. Two CCs to GP for Medical Health & family Welfare, High Court of A.P., Hyderabad. (o.u.t.)

4. Two CD copies

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